

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRETT E. WHEELER,

Plaintiff,

-against-

NYCDOC; JOHN DOE # 1,

Defendants.

19-CV-9689 (CM)

ORDER

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, appearing *pro se*, brings this action under 42 U.S.C. § 1983, alleging that Defendants violated his rights while he was incarcerated in the George R. Vierno Center on Rikers Island. On November 26, 2019, the Court granted Plaintiff leave to amend his complaint to detail how correction officials or other staff failed to protect him from harm and denied him medical attention. On January 29, 2019, the Court received from Plaintiff a letter asserting that he only has limited access to the law library and requesting 90-days' extension to amend his complaint.

The Court grants Plaintiff's request for an additional 90 days to file an amended complaint. Plaintiff should note that the order does not require him to make legal arguments or include any evidence, but simply to explain what happened that suggests that correction officials or other staff violated his rights. Thus, there is no need at this juncture for Plaintiff to do legal research or obtain additional information.

The Court grants Plaintiff leave to file his amended complaint, as specified by the November 26, 2019 order, within 90 days of the date of this order. No further extensions will be granted. If Plaintiff fails to comply within the time allowed and cannot show good cause to excuse such failure, this action will be dismissed for failure to state a claim upon which relief may be granted.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be take in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: February 10, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written above a horizontal line.

COLLEEN McMAHON
Chief United States District Judge